

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~APPEALS~

Friday June 16, 2017
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Bob Gilliland, Commissioner Mark Liotta and Commissioner Russell.

Staff present to support the Commission: Lindsey Christopher and Dana Esparza.

CALL TO ORDER Presiding Appellate Officer, Chairman Gilliland

Call to order 9:00 a.m. by Chairman Gilliland, Presiding Appellate Officer.

ROLL CALL Presiding Appellate Officer, Chairman Gilliland

After the roll call was taken, Chairman Gilliland announced the presence of a Quorum and the Statement of Compliance with the Open Meeting Act was read.

NOTICE OF COMPLIANCE..... Dana Esparza

STATEMENT OF OKLAHOMA OPEN MEETING LAW
COMPLIANCE

Notice of this Regular Meeting was filed with the Secretary of State's office on Thursday, November 3, 2016 at 12:02 p.m., in compliance with the Open Meeting Act.

The Agenda was posted at 1:28 p.m. on Wednesday, June 14, 2017, more than 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 North Stiles, the Commission's principal office.

MINUTES:

- The drafted Minutes of the Special Meeting of June 2, 2017 were considered for approval.

Presiding Appellate Officer Chairman Gilliland presented the minutes of the June 2, 2017 Special Meeting for approval.

Motion: Commissioner Liotta made a motion to approve the minutes of the June 2, 2017 Special Meeting.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: MINUTES APPROVED

Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

Jesus Hidalgo v. Unit Corporation (Own Risk #17006), File # CM2015-01454R

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Joseph C. Biscone, II, Emily Biscone and James Biscone represented the Claimant and Andrew J. Morris, Peter Mills & Clyde Muchmore the Respondent. Andrew J. Morrisare was present on behalf of the State Chamber.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to take preliminary action to affirm the Administrative Law Judge's order with the agreed modification as to stipulation on the right leg and instruct Commission counsel or other staff member to draft a proposed order with the agreed upon modification.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, and Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED WITH MODIFICATION

Jason Graves v. Laferrys LP Gas Co. Inc. & Compsource Mutual Ins. Co. (FKA Compsource Oklahoma), File # CM2015-04716F

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Jack G. Zurawik represented the Claimant and Kevin D. Berry represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Liotta moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Robert Lunt v. EZ Mart Stores & Zurich American Insurance Company, File # CM2015-04235A

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Michael R. Green represented the Claimant and William J. Archibald represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Presiding Appellate Officer Chairman Gilliland

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Alphonso Henry v. IC Bus of Oklahoma LLC (Own Risk #19208), File # CM2014-10455L

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green represented the Claimant and Christopher Brecht is the attorney of record for the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, and Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Sherron Jones v. City of Tulsa (OWN RISK #10435), File # CM2016-01963J

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. John N. Mackenzie represented the Claimant and Steven Kuperman represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to take preliminary action to affirm the Administrative Law Judge's order and instruct Commission counsel or other staff member to draft a proposed order with the additional findings of fact and conclusions of law, to be considered for continued action at a future meeting.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, and Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Jonathan Valladares v. Desert Crest LLC & Old Glory Insurance Company, File # CM2016-02736X

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Carole A. Wangrude represented the Claimant and Kelly Bodell represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Liotta moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Kristy Stanfield v. TLB Sun Loan Co. Inc., & Arch Insurance Co., File # CM2016-03676A

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green is the attorney of record for the Claimant and Heather A. Lehman Fagan is the attorney of record for the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Liotta moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Commission Consideration of Adoption of Final Order in the Following Case:

Bruce D. Ross v. City of Tulsa (Own Risk #10435), File # CM2014-09949R

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Esther Sanders represented the Claimant and Steven Kuperman represented the Respondent.

On June 2, 2017, after hearing the oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland announced that the Commission is taking this case under advisement and will instruct Commission Counsel or another staff member to draft a proposed order with findings of fact and conclusions of law.

The proposed order was drafted and distributed to the Commissioners for consideration of adoption.

After reviewing the record, hearing oral arguments, and deliberating, a proposed order was drafted and considered for adoption by the Commission.

Motion: Presiding Appellate Officer Chairman Gilliland moved to adopt the order affirming the Administrative Law Judge's Order as proposed.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland and Commissioner Liotta.

Those Voting Nay: Commissioner Russell

THE MOTION CARRIED: ORDER ADOPTED

Brenda Luton v. McAlester Regional Health Center (Own Risk #19534), File # CM2016-06076A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Bret Unterschuetz represented the Claimant and Gregg G. Fuller represented the Respondent.

Motion: After reviewing the record, hearing the oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Announcements

Commission's next special business meeting is Thursday, July 27, 2017. Commission's next meeting regarding Appeals is scheduled for Friday, July 21, 2017.

ADJOURNMENT

Motion: Presiding Appellate Officer Chairman Gilliland moved to adjourn the meeting at approximately 1:11 p.m.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.